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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,162	11/19/2001	Michael Kircher	1454.1121	8160

21171 7590 09/29/2003

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

RONES, CHARLES

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 09/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/988,162

Applicant(s)

KIRCHER, MICHAEL

Examiner

Charles L. Rones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. U.S. Patent No. 6,507,856 ('Chen').

**Chen discloses:**

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As to claims 1, 6, and 7,

designing a highest-level filter (root node) that can become active only if an event-based parser indicates that an element for which the highest-level filter (wherein the tree is deemed to be in levels of nodes that are filtered by having been organized by values based on constraints into the tree structure with is traversed to find matches (searched) along a path) is searching has been found, and designing a lowest-level filter that can become active only when the highest-level filter (top node-root) has become active and when the parser indicates that an element for which the lowest level filter (lowest child node) is searching has been parsed; See 6:5-60; 7:5-18; 8:1-26;

parsing the Markup (tags) document; See 6:5-60; 7:5-18; 8:1-26;

and checking the lowest-level filter to determine whether it has found the element for which it has been searching; See 6:5-60; 7:5-18; 8:1-26.

As to claim 2,

designing at least one intermediate-level filter (parent) that can become active only when the highest-level filter (root) has become active and when the parser indicates that an element for which the intermediate-level filter is searching has been parsed; See 6:5-60; 7:5-18; 8:1-26; and

designing the lowest-level filter to become active only when the intermediate-level filter has become active; See 6:5-60; 7:5-18; 8:1-26.

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As to claim 3

defining the lowest-level filter as a first lowest-level filter; designing a second lowest-level filter that can become active only when the highest level filter has become active and when the parser indicates that an element for which the lowest-level filter is searching has been parsed; See 6:5-60; 7:5-18; 8:1-26; and

checking the second lowest-level filter to determine whether it has found the element for which it has been searching; See 6:5-60; 7:5-18; 8:1-26.

As to claim 4,

designing a value filter that will become active only when the highest-level filter has become active and when the parser indicates that an element for which the value filter is searching has been parsed; See 6:5-60; 7:5-18; 8:1-26; and

if the first lowest-level filter has found the element for which it has been searching and the second lowest-level filter has found the element for which it has been searching, obtaining an element from the value filter that is linked to the elements in the first lowest-level filter and in the second lowest-level filter; See 6:5-60; 7:5-18; 8:1-26.

As to claim 5,

designing a value filter that will become active only when the highest-level filter has become active and when the parser indicates that an element for which the value filter is searching has been parsed; See 6:5-60; 7:5-18; 8:1-26; and

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if the lowest-level filter has found the element for which it has been searching, obtaining an element from the value filter that is linked to the element in the lowest-level filter; See 6:5-60; 7:5-18; 8:1-26.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.



Charles L. Rones  
Primary Examiner  
Art Unit 2175

September 17, 2003